

Remarks

Claims 1-10 are pending. Claims 1-10 are amended to correct grammatical and typographical errors.

The Examiner rejected Claims 1, 3-5 and 7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,098,106 ("Philyaw"). Applicant respectfully traverses the Examiner's rejection.

In Philyaw, "coded advertiser information" is inserted in an audio portion of a broadcast (col. 5, lines 8-16). However, as discussed in detail in Philyaw's cols. 5-10, the coded advertiser's information merely encodes routing information to allow the recipient to receive specific product information from an advertiser's server through complicated re-routing in a global communication network (see, Philyaw's Figure 3). Such coded advertiser's information bears no relation to the broadcast (see, Philyaw's Figure 4, 9-10 and 13 for example). In contrast, however, Applicant's Claims 1, 3-5 and 7 each recite that the information embedded in the broadcast is "information about the broadcast":

1. A method for allowing content to be broadcast without commercial interruption, yet letting the company or companies sponsoring the broadcast to offer purchasing incentives to viewers, the method comprising:

a. receiving a broadcast with embedded information about the broadcast;

b. extracting content from said broadcast, for displaying to the viewer;

c. extracting said embedded information from said broadcast;

* * *

3 and 4. A method for allowing content to be broadcast without commercial interruption, yet letting the company or

companies sponsoring the broadcast to offer purchasing incentives to viewers, the method comprising

a. embedding information about a broadcast along with the broadcast content; and

b. broadcasting said content with said embedded information to a remote viewer of the content.

* * *

5. A method for allowing content to be broadcast without commercial interruption, yet letting the company or companies sponsoring the broadcast to offer purchasing incentives to viewers, the method comprising:

a. embedding information about the broadcast along with the broadcast content at regular time periods; and

b. broadcasting said content with said embedded information to a remote viewer of the content.

* * *

7. A method for allowing content to be broadcast without commercial interruption, yet letting the company or companies sponsoring the broadcast to offer purchasing incentives to viewers, the method comprising:

a. receiving information about a broadcast from a remote viewer of said broadcast; and

b. sending specific incentives to the remote viewer based on said information received.

(emphasis added)

As explained in Applicant's Specification, at page 4, lines 13-26, for example, it can be determined "which shows were watched, during which time, and which advertisers sponsored those shows or those segments of shows." (page 4, lines 19-22). Based on such information about the broadcast, not only is the advertiser able to deliver product information to the viewer, the advertiser is also able to assess the effectiveness of the broadcast as a vehicle for delivering the product information the advertiser desires to provide its target viewers. Neither embedding the information about the broadcast nor its attendant benefits is

disclosed or suggested by Philyaw. Therefore, Philyaw neither discloses nor suggests any of Claims 1, 3-5 and 7. Thus, Applicant respectfully submits that Claims 1, 3-5 and 7 are each allowable over Philyaw. Reconsideration and allowance of Claims 1, 3-5 and 7 are therefore requested.

The Examiner rejected Claims 2, 6 and 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Philyaw et al. With respect to Claims 2, 6 and 8-10, the Examiner took “official notices” with respect to the use of “time stamps so as to synchronize embedded information with the video content”, the use of “incrementing counters for counting time slices during said time periods so as to maintain a record of the view time of a program by the user”, and the use of “web pages to facilitate organization of URLs”. Based on these “official notices” and the Examiner’s view regarding Philyaw, the Examiner concludes, in pertinent part:

In regard to claim 2, ... it would have been obvious to one of ordinary skill in the art to implement Philyaw with timestamps so as to synchronize embedded information with the video content. ... [I]t would have been obvious to one of ordinary skill in the art to implement Philyaw with the use of incrementing counters for counting time slices during said time periods so as to maintain a record of the view time of a program by the user.

* * *

In regard to claim 6, ... it would have been obvious to one of ordinary skill in the art to implement Philyaw with the use of incrementing counters for counting time slices during said time periods so as to maintain a record of the view time of a program by the user.

* * *

In regard to claim 8, ... it would have been obvious to one of ordinary skill in the art to implement Philyaw with the use of incrementing counters for counting time slices during said time periods so as to maintain a record of the view time of

a program by the user.

* * *

In regard to claim 9, ... it would have been obvious to one of ordinary skill in the art to implement Philyaw with the use [of] a web page so as to facilitate the organization of URLs.

* * *

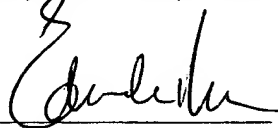
In regards to claim 10, ... it would have been obvious to one of ordinary skill in the art to implement Philyaw with the use of incrementing counters for counting time slices during said time periods so as to maintain a record of the view time of a program by the user. ... [I]t would have been obvious to one of ordinary skill in the art to implement Philyaw with the use [of] a web page so as to facilitate the organization of URLs.

Applicant respectfully traverses the Examiner's rejections. As discussed above, the coded advertisers' information did not include information about the broadcast. Therefore, Philyaw neither discloses nor suggests the "information about a broadcast" limitations in each of Claims 2, 6 and 8-10, for the reasons already discussed above with respect to Claims 1, 3-5 and 7. Further, because Philyaw's coded information is not about the broadcast, there is no motivation or suggestion from Philyaw to combine its teaching with the use of time stamps, counters and web pages in the manner of the suggested by the Examiner and, even if so combined, Philyaw's system does not reap the benefits of time stamp, the counters and the web pages, as Philyaw's coded advertiser's information do not in any way relate to the video content of the broadcast, the user's viewing time, or matching URLs to sponsors of the broadcast. Thus, the Examiner's combination is no more than impermissible hindsight reconstruction using Applicant's claims as blueprints. Accordingly, Applicant submits that Claims 2, 6, and 8-10 are each allowable over Philyaw. Reconsideration and allowance of Claims 2, 6 and 8-10 are therefore requested.

Therefore, for the reasons set forth above, all pending claims (i.e., Claims 1-10) are

allowable over the art of record. If the Examiner has any question regarding the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant at 408-392-9250.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 18, 2004.



Attorney for Applicant(s)

10/18/2004

Date of Signature

Respectfully submitted,



Edward C. Kwok
Attorney for Applicant(s)
Reg. No. 33,938